



FEDERATION OF FLY FISHERS.

Conserving -- Restoring -- Educating through Fly Fishing

Northern California Council

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December 8, 1998

Dr. William T. Hogarth
Regional Administrator
National Marine Fisheries Service
501 West Ocean Boulevard
Suite 4200
Long Beach, CA 90802

Subject: CalFed's Failure To Protect Central Valley Steelhead

Dear Dr. Hogarth:

This is to request NMFS intervention to assure the CalFed EIR/EIS Ecosystem Restoration Program Plan includes meaningful restoration goals, projects, procedures, reviews, monitoring and sampling programs, as well as provisions for adaptive management works aimed at restoration of native Central Valley steelhead runs. We particularly commend to your attention the informed scientific expertise represented in comments of the American Fisheries Society provided to CalFed July 1, 1998, and those of CalFed's own Core Team Report. These are included or referred to in the enclosed letter addressed to Mr. Lester A. Snow, Executive Director of the CalFed Bay-Delta Program. To those recommendations we have added our request that CalFed's Central Valley steelhead restoration goal be to increase their population to 1967 levels.

We have observed the CalFed process for the past two years and have become increasingly disturbed by its failures to deal constructively with steelhead issues. There is a greater probability today of Central Valley steelhead becoming extinct than when the process began. This in spite of a state of California goal to double the steelhead population by the year 2000. Extinction of these native steelhead is unacceptable! Therefore, this request.

The signatories to the enclosed correspondence to Executive Director Snow are hereby providing NMFS notice of our dissatisfaction with the neglectful treatment of steelhead by CalFed. We are mindful that NMFS' own Biological Review Team found Central Valley steelhead to be "Endangered." NMFS subsequently downgraded the listing to "Threatened," citing as justification, in part, CalFed's proposed restoration actions. NMFS was apparently under the assumption that the CalFed planning and program processes would positively benefit steelhead. That assumption has not been supported by subsequent CalFed acts.

In August 1998 NMFS listed the Oregon Coast ESU as "Threatened" after the U.S. Magistrate ruled in June that NMFS April, 1997 decision not to list Oregon coastal coho had no legal basis. Judge Janice M. Stewart said that "NMFS was unwilling to make the hard choices required by the ESA," and that:

Nevertheless (sic), for the same reason that the Secretary (of Commerce) may not rely on the future actions, he should not be able to rely on unenforceable efforts. Absent some method of enforcing compliance, protection of a species could never be assured. Voluntary actions, like those planned in the future, are necessarily speculative...Therefore, voluntary or future conservation efforts by a state should be given no weight in the listing decision. Instead, the NMFS must base its decision on current, enforceable measures.

CalFed's plans must provide for enforceability and accountability. Its goal should be to restore Central Valley steelhead to at or near their historic levels of the pre-State Water Project 1960's. We believe the logic expressed by Magistrate Stewart applies to reliance on any voluntary CalFed process to solve the knotty political problem of Central Valley steelhead. The revised Ecosystem Restoration Program Plan and Program Goals and Objectives related to Central Valley steelhead populations have not yet been published. If, they contain "voluntary" and "unenforceable" future actions a lawsuit challenging NMFS decision to downgrade the Central Valley steelhead listing to "Threatened" would have ample precedent.

We find especially troubling the reluctance of CalFed to explicitly acknowledge the existence of a self-sustaining steelhead population in the San Joaquin River system. We agree with the American Fisheries Society that this is a serious deficiency in the CalFed PEIS and may be a violation of both NEPA and CEQA. How can CalFed assert that their "provisions [are] intended to reconcile operational flexibility and compliance with the federal Endangered Species Act" (CalFed website), when they don't even acknowledge that an ESA listed species exists within the scope of their actions? We find it difficult to accept that your agency continues to view CalFed as a reason to maintain a downgraded "Threatened" Central Valley steelhead listing while CalFed not only fails to provide necessary restoration measures to justify this, but refuses to even acknowledge that steelhead exist in a large portion of their proven Central Valley area of distribution. We believe that CalFed must live up to their ESA responsibilities and recognize the existence of a natural population of steelhead in the San Joaquin River System. As a part of this process it is essential that they identify adequate steelhead restoration measures for the Stanislaus, Tuolumne and Merced rivers.

Although the ERPP states that habitat restoration for steelhead is a primary concern of CalFed, and some measures that will benefit steelhead have been included, we believe that the ERPP fails to identify the necessary restoration actions that will lead to a viable sport fishery population of Central Valley steelhead. We view your role as leader of both the responsible ESA agency for steelhead and of a participating CalFed agency as pivotal in deciding whether or not steelhead survive in the Central Valley. We look for bold action on NMFS part to ensure that CalFed adheres to their ESA responsibilities to restore steelhead habitat conditions and assure steelhead's recovery.

We therefore request your personal involvement to assure the scientific issues and questions raised in the American Fisheries Society comments to CalFed, and CalFed's Core Team Report be responded to positively in the ERPP, other appropriate CalFed environmental documents and in subsequent implementing programs and projects.

In summary, we request the following actions.

1. The National Marine Fisheries Service upgrade its Endangered Species Act designation for Sacramento-San Joaquin river system steelhead from "Threatened" to "Endangered."
2. As an alternative to No. 1 (above), the CalFed draft EIR/EIS Ecosystem Restoration Program Plan include adequate measures to restore, protect and monitor Central Valley steelhead populations. We believe many of the necessary changes and enhancements to the ERPP are contained in the American Fisheries Society letter to CalFed and in the CalFed Strategic Plan for the Ecosystem Restoration Program. As a supplement to those comments we ask that a goal for Sacramento-San Joaquin rivers steelhead restoration be the numbers present in the river system during the year 1967. We ask that these comments and our numerical goal be integrated into CalFed plans and work-projects.
3. We request that sport angling community representatives be included at the table where decisions are made which may effect sport fisheries such as that of the steelhead of the San Joaquin-Sacramento river system. The token representation we've been allowed at recent meetings has not been adequate.

Please advise us of NMFS response to our request and the measures CalFed will take to cause meaningful restoration of steelhead in California's Central Valley waterways.

Sincerely,



Charles P. Bucaria, Sr.
Conservation Vice-President, NCCFFF

For the following organizations:

Northern California Council Federation of Fly Fishers
Southwest Council, Federation of Fly Fishers
California Trout
Trout Unlimited (National)
Trout Unlimited (California)
California Sport Fishing Protection Alliance
United Anglers

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**Friends of the River
Sierra Club**

**cc: Honorable Bruce Babbitt,
Secretary, Department of the Interior
Mr. Lester A. Snow
Mr. Pat Coulston, President,
California-Nevada Chapter,
American Fisheries Society**

Other Interested Parties

Enclosures

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